

Claim 1 calls for defining a first perfusion index as a reference value and determining subsequent perfusion indices as relative deviations with respect to the reference value. The relative deviations are presented on the display unit.

As the Examiner notes, Kiani does display a perfusion index **418** in Figure 4. However, Kiani does not display a representation of the perfusion index reference value or a display of relative perfusion index deviations with respect to the reference value.

In the Office Action, the Examiner asserts that element **510** of Figure 5A and element **610** of Figure 6 represent the perfusion index reference value and the relative deviation in the perfusion index reference value. To the contrary, elements **510** and **610** represent signal quality. As explained at column 7, line 65 – column 8, line 16, signal quality does not relate to the perfusion index. Rather, it relates to the quality of the signals from which the various physical measurements are derived. Signal quality is a function of misalignment of sensors or detectors, a mis-inflated blood pressure cuff, severe hypertension, medications and other factors listed in column 8. Because displays **510** and **610** do not display the claimed first perfusion index reference value nor the relative deviations of subsequent perfusion indices relative to the reference value, it is submitted Kiani does not anticipate **claim 1 and claims 2-10 and 12-15 dependent therefrom** are neither anticipated by nor obvious over Kiani.

Claim 22 calls for a first graphical element index indicative of a reference perfusion index and a second graphical element indicative of a subsequent perfusion index value. The first and second graphical elements taken together provide a visual indication of the relative deviation of the subsequent perfusion index value from the reference perfusion index value. Display elements **510** and **610** of Kiani referenced by the Examiner illustrate signal quality. They do not illustrate either a perfusion index reference value or the deviation of subsequent perfusion index values from the reference value. Accordingly, it is submitted that **claim 22 and claims 23-26 dependent therefrom** are neither anticipated by nor obvious over Kiani.

Reconsideration and early allowance of claims 1-15 and 22-26 is requested.

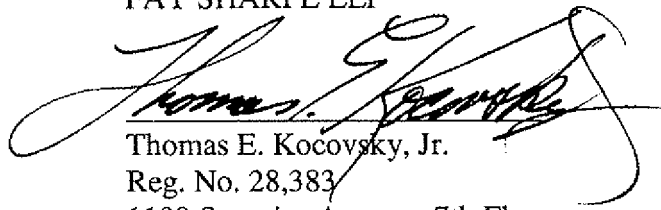
CONCLUSION

For the reasons set forth above, it is submitted that claims 1-15 and 22-26 are not anticipated by and distinguish patentably over the references of record. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Thomas E. Kocovsky, Jr.", is written over a horizontal line.

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